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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,272	11/26/2001	Roel Van Woudenberg	NL 010154	8820

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/994,272	Applicant(s) VAN WOUDEBERG, ROEL	
	Examiner Aristotelis M. Psitos	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-26 is/are pending in the application.
- 4a) Of the above claim(s) 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 11, 12 and 18 is/are rejected.
- 7) ☒ Claim(s) 4, 6-8, 13-17, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

Applicant's response of 2/17/06 has been considered with the following results.

In the following analysis the examiner has grouped the following claims together, i.e., common subject matter/analysis:

Group A: Claims 1-3,5,11,12,14 and 18; two inform. Layers with an offset capability.

Group B: Claims 4,6-8,13,15-17,19,25 and 26: two inform. Layers with no offset capability and a desired laser beam diameter.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ide et al further considered with Satoh et al and all further considered with Van Den Ended et al.

The following analysis is made:

Claim 1:
A multi-layer record carrier provided
with at least two substantially parallel information
layers and capable of being scanned by a
single scanning device,
wherein data is written in units of data
blocks on tracks of said at least information layers,

Ide et al & Satoh et al
see abstracts of both documents

a first guard field being written at a start of
a data block and a second guard field
being written at an end of said data block,

see figure 9 of Ide et al

characterized in that in at least an upper
information layer of

see discussion wrt

fig 4 of Van Den Ended et al.

said at least two substantially parallel information layers,
said first and second guard fields have lengths such that
an end position of said second guard field of a preceding data block is
located within an area of said first guard field of a succeeding
data block.

In the above analysis, the ability of having a “guard” field prior to and subsequent to a data field is well known – as discussed with respect to figure 9 of Ide et al. Note in particular the plurality of guard fields/gaps G1, G2 prior to DF, and G3,G4 subsequent to DF. Also note that both G3 and G4 of the prior DF are prior to the leading G1 field of the subsequent DF in this figure.

There is no depiction of a multi-layered record medium.

The ability of having multi-layered recording media is well known as taught by Satoh et al.

It would have been obvious to modify the base system of Ide et al and modify such with the teaching from Satoh et al, motivation is to provide for multi-layered record media for their inherent ability of increasing the amount of data on a single record.

With respect to the ultimate paragraph of claim 1, Can Den Enden et al teach in this environment, the ability of having a “run in area” (which can be relied upon as the first guard field) and a second guard area 67 and further that such areas can overlap – note the discussion with respect to figures 4 and 5.

It would have been obvious to modify the base system of Ide et al/Satoh et al with the above teaching from Van Den Enden et al, motivation is as discussed therein.

With respect to method claim 11, such is met when the record medium is recorded thereto.

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With respect to apparatus claim 18, such elements are considered present in the above combined references in order to permit the recording to take place.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

2. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 1 above, and further in view of WO/00/16320.

The examiner concludes that the WO document has such a capability, i.e., the focusing of an optical beam (which has a beam diameter) upon the lower of the two information layers. As further noted in paragraph 0120 of the WO document the in within a range of 20-100 mum in diameter.

Although there is no clear depiction of a minimum length of the guard fields in the WO document, because the document provides for an overlap from 0 to a maximum as discussed in paragraph 0061, and a light beam diameter from 20-100 mum is permitted, that a minimum length as recited if not inherently present is an obvious design capability for optimizing system parameters – see *In re Peterson*, 65 USPQ2nd 1379.

The examiner relies upon the English translation of such a document.

With respect to method claim 12, such is met when the record medium is written thereto.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 1 above, and further in view of Oguro et al.

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There is no clear depiction of both a "preamble pattern" and a "postamble pattern" in the above documents relied upon in paragraph 1.

Nevertheless, Oguro et al teach the ability of having such in this environment – see the discussion with respect to figure 4, for instance.

It would have been obvious to modify the base system as relied upon in paragraph 1 above with the additional teaching from Oguro et al, motivation is as discussed with respect to figure 4 in Oguro et al.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 1 above, and further in view of Saito et al.

Saito et al teaches the ability of having/placing/recording dummy data in the appropriate fields to ensure proper synchronization of the information. Applicant's attention is drawn to figure 2 for instance. The examiner concludes the ability of dummy blocks as also teaching dummy data.

It would have been obvious to modify the base system as relied upon above in paragraph 1 with the additional teaching from Saito et al, motivation is as discussed in Saito et al to provide appropriate synchronization upon use of the information.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

5. Claims 1, 2, ^{3,}_{11,12} and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

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Ide et al further considered with Satoh et al all and all further considered with Ishihara.

The following analysis is made:

Claim 1

Ide et al/Satoh et al

A multi-layer record carrier provided

see abstract & paragraphs

with at least two substantially parallel information layers

and capable of being scanned by a single scanning

device, wherein

data is written in units of data blocks on

tracks of said at least two information layers,

a first guard field being written at a start of a

figure 9 of Ide et al

data block and a second guard field being written

at an end of said data block,

characterized in that

in at least an upper information layer of

said at least two substantially parallel

information layers,

said first and second guard fields have lengths

see discussion wrt

such that an end position of said second guard field

Ishihara – col. 1 lines 46-50

of a preceding data block is located within

an area of said first guard field of a succeeding data block.

Ide et al/Satoh et al are relied upon as stated above with respect to paragraph 1, that is, Ide et al disclose the ability of both a leading and trailing guard area sandwiching a DF. The Satoh et al reference teach the multi-layered recording ability.

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With respect to the overlapping of the guard areas, one from the preceding data area and the subsequent (next) data area, as noted in Ishihara, he develops a recording scheme in which these areas are variable 1byte (gap and buffer).

It would have been obvious to one of ordinary skill in the art to further modify the above references to Ide et al/Satoh et al with the above recording scheme, i.e., rotating the disc at a constant speed and performing the recording – such permits the record medium to perform the appropriate recording while allowing for the overlap of these areas.

The limitations of method claim 11 are met when the above systems operate, and the limitations of claim 18 are present in order to permit the recording to take place.

The examiner interprets claims 2 and 12 to be met since these areas have a 1-byte max. length, the minimum is that left over.

The limitations of cl. 3 are present in Ishihara, i.e. preamble & postamble patterns.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 11 as stated in paragraph 5 above, and further in view of Miyauchi et al.

With respect to the additional ability of writing “dummy” data into these guard regions, such is taught/disclosed by the Miyauchi et al reference – see the description with respect to dummy data generator in figure 3 for instance.

It would have been obvious to modify the base system with this additional teaching, motivation is as discussed in Miyauchi et al.

Allowable Subject Matter

Claims 4,6,7,8,25, 13-17,26 and 19-20 are allowed.

Applicant is reminded that upon allowance of all claims, cancellation of non-elected claims must be done.

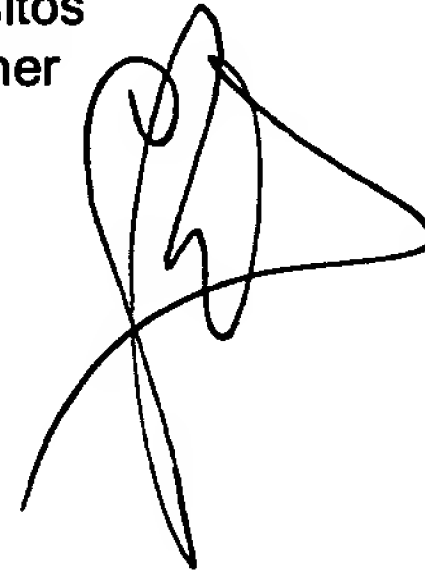
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
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A handwritten signature in black ink, appearing to be 'A. Psitos', written over a horizontal line.

AMP